

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

DEFENSE DISTRIBUTED and SECOND  
AMENDMENT FOUNDATION, INC.,

Plaintiffs,

V.

GURBIR GREWAL, in his official capacity as New Jersey Attorney General; MICHAEL FEUER, in his official capacity as Los Angeles City Attorney; ANDREW CUOMO, in his official capacity as New York Governor; MATTHEW DENN, in his official capacity as Attorney General of the State of Delaware; JOSH SHAPIRO, in his official capacity as Attorney General of Pennsylvania; and THOMAS WOLF, in his official capacity as Pennsylvania Governor,

Defendants.

*[Decorative separator consisting of a vertical line of repeating scroll motifs]*

Case No. 1:18-CV-637-RP

## Plaintiffs' Notice of Supplemental Authority

Plaintiffs Defense Distributed and Second Amendment Foundation, Inc. file this notice of supplemental authority regarding their motion for a preliminary injunction, Dkt. 67.

The judicial estoppel doctrine applies to both “factual” and “legal” positions, *Rep. of Ecuador v. Connor*, 708 F.3d 651, 656 (5th Cir. 2013), and positions taken “necessarily, although implicitly.” *Bruce Lee Enters., LLC v. A.V.E.L.A., Inc.*, No. 10 CIV. 2333 LTS, 2011 WL 1327137, at \*3 (S.D.N.Y. Mar. 31, 2011). The judicial estoppel doctrine applies to positions about personal jurisdiction. *E.g., Henry Law Firm v. Cuker Interactive, LLC*, No. 5:18-CV-5066, 2018 WL 3025959, at \*6 (W.D. Ark. June 18, 2018).

Date: January 15, 2019

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

On January 15, 2019, I served this filing on the following persons via CM/ECF:

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